



ROBERT C. KAIN, JR.
750 SOUTHEAST THIRD AVENUE
SUITE 100
FT LAUDERDALE FL 33316-1153

COPY MAILED

MAR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Lindgren
Application No. 10/682,501
Filed: October 9, 2003
Attorney Docket No. 6744-7-CIP-2
For: UNDER WATER LIGHTED FISHING
LURE

:
:
: DECISION ON
: PETITION
:
:

This is a decision on the petition, filed January 28, 2004, requesting that Figure 14B be accorded a filing date of October 9, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 9, 2003. On January 22, 2004, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" (Notice) informing petitioner that Figure 14B, as described in the specification, appeared to have been omitted.

Petitioner requests that Figure 14B be accorded a filing date of October 9, 2003 on the basis that 16 sheets of drawing figures, including Figure 14B, were received in the Patent and Trademark Office (PTO) on October 9, 2003. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 9, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 16 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 16 sheets of drawing figures were filed on October 9, 2003. MPEP 503. A review of the application file reveals that there are 15 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 9, 2003**, using the 16 sheets of replacement drawings submitted with the instant petition. Office records will be corrected to show that 16 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions